

**61-2c-103 Powers and duties of the division.**

- (1) The division shall administer this chapter.
- (2) In addition to a power or duty expressly provided in this chapter, the division may:
  - (a) receive and act on a complaint including:
    - (i) taking action designed to obtain voluntary compliance with this chapter; or
    - (ii) commencing an administrative or judicial proceeding on the division's own initiative;
  - (b) establish one or more programs for the education of consumers with respect to residential mortgage loans;
  - (c)
    - (i) make one or more studies appropriate to effectuate the purposes and policies of this chapter; and
    - (ii) make the results of the studies described in Subsection (2)(c)(i) available to the public;
  - (d) visit and investigate a person licensed under this chapter, regardless of whether the person is located in Utah;
  - (e) employ one or more necessary hearing examiners, investigators, clerks, and other employees and agents; and
  - (f) establish fees under Section 63J-1-504 for:
    - (i) processing an application for licensing or certification; and
    - (ii) any other function required or permitted by this chapter.
- (3) The division shall make rules for the administration of this chapter in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including:
  - (a) licensure procedures for:
    - (i) a person required by this chapter to obtain a license with the division; and
    - (ii) the establishment of a branch office by an entity;
  - (b) proper handling of money received by a licensee;
  - (c) record-keeping requirements by a licensee, including proper disposal of a record;
  - (d) certification procedures for certifying an education provider; and
  - (e) standards of conduct for a licensee or certified education provider.
- (4) The division may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, require as a condition of maintaining a license or certification under this chapter that a person comply with a requirement of the nationwide database if:
  - (a) required for uniformity amongst states; and
  - (b) not inconsistent with this chapter.
- (5) The division shall by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide a process under which an individual may challenge information contained in the nationwide database.
- (6) The division may enter into a relationship or contract with the nationwide database or another entity designated by the nationwide database to do the following related to a licensee or other person subject to this chapter:
  - (a) collect or maintain a record; and
  - (b) process a transaction fee or other fee.
- (7) The division shall regularly report the following to the nationwide database:
  - (a) a violation of this chapter;
  - (b) licensing or disciplinary action under this chapter; and
  - (c) other information relevant to this chapter.
- (8) If a person pays a fee or costs to the division with a negotiable instrument or any other method that is not honored for payment:
  - (a) the transaction for which the payment is submitted is voidable by the division;

- (b) the division may reverse the transaction if payment of the applicable fee or costs is not received in full; and
- (c) the person's license, certification, or registration is automatically suspended:
  - (i) beginning the day on which the payment is due; and
  - (ii) ending the day on which payment is made in full.

Amended by Chapter 43, 2013 General Session